

**REMARKS**

Reconsideration is requested.

Claims 25-46 are pending.

Claims 33 and 44 have been amended for clarity. The applicants respectfully submit the "element" recited in claims 33 and 44 would be recognized to be the "communication element" which is referred to in claims 29 and 30, from which the claims depend. Moreover, the inadvertent typographical error making claim 34 dependent from claim 33 has been corrected above wherein claim 34 has been amended to be dependent from claim 30. Finally, claims 35 and 36 have been amended based on original claim 8 wherein the recited duct is described, for example, as element (16) in, for example, Figure 1. No new matter has been added. Entry of the above amendments will, at a minimum, reduce the issues for appeal by obviating the Section 112, second paragraph, rejection of claims 33-36, 38, 40 and 42. Entry of the above amendments and withdrawal of the Section 112, second paragraph, rejection are requested.

Claim 25 has been amended to further define the recited cap and further distinguish from the cited art.

The Section 102 rejection of claims 25-33, 35, 37, 43, 45 and 46 over Mennesson (FR 2607786), is traversed. Reconsideration and withdrawal of the rejection are requested in view of the following distinguishing comments.

The applicants understand that the Examiner considers the tubular body (3), the annular tabs (4) and the slots (5) of the recipient disclosed by Mennesson as forming an

element for equalizing the pressure and the other annular tab (6) as capable of retaining the liquid in the container axially distant from the orifice when the cap is engaged to the nozzle. However, the pressure equalization element according to the presently claimed invention is capable of equalizing the pressure between the interior of the container and the outside atmosphere when the threads of the cap and the threads of the nozzle are engaged together. According to the document Mennesson, the annular tab (6) is arranged below the annular skirt (2) and consequently below the threads formed in the bore in the annular skirt (2).

Claim 25 requires the cap with a pressure equalizing element which equalizes pressure between the recited zone and the outside of the container when the gripping portion of said cap is partially engaged with the gripping portion of said nozzle. This aspect of the claimed invention is not described or suggested by Mennesson.

The claims are submitted to be patentable over Mennesson and withdrawal of the Section 102 rejection of the noted claims over the same is requested.

The Section 102 rejection of claims 25, 26 and 43-46 over Grisham (U.S. Patent No. 3,291,331) is traversed. Reconsideration and withdrawal of the rejection are requested in view of the following distinguishing comments.

The applicants believe that Gresham describes a soft drink bottle comprising a bottle (10), a cap (16) and a flexible straw holder (18) positioned within the bottle and having a upper portion of outside diameter snugly fitting the inside diameter of the bottle neck portion (12), see column 1 lines 57-65.

The holder (18) has a lower highly flexible invaginable portion (20) of reduced diameter having at the lower end thereof a small diameter axial opening (22). Received

in the opening (22) is a straw (24). Upon removal of the cap, gas pressure forces the straw and the invaginable portion (20) of holder (18) upwardly, the invaginable portion (20) inverting and thereby presenting the straw extending above the bottle for immediate use, see column 2 lines 13-16.

This document is silent about the means for gripping the cap on the bottle. The flexible holder (18) is not an element for equalizing the pressure. The flexible holder (18) is only adapted to present the straw extending above the bottle under the effect of the gas pressure so that one can drink the liquid contained in the bottle by means of the straw. The pressure is not equal in the interior of the bottle and in the outside atmosphere, even after the removal of the cap (16).

The cap (16) and the flexible holder (18) are separate elements. As shown in Figure 2, the cap (16) is completely removed from the bottle. On the contrary, the flexible holder (18) remains attached to the neck portion of the bottle.

In case of high pressure, upon removal of the cap (16), there is a risk that the liquid will be ejected outside of the bottle. On the contrary, the presently claimed invention avoids liquid projections. This document does not describe a means for retaining the liquid in the container axially distant from the orifice when the cap is engaged to the nozzle. According to Figure 1 of the document, there is no means for avoiding the liquid from the interior of the bottle to go through the straw and to reach the lower face of the cap (16) close to the orifice.

Reconsideration and withdrawal therefore of the Section 102 rejection of claims 25, 26 and 43-46 over Grisham is requested.

DE LAFORCADE  
Serial No. 09/787,365  
May 13, 2003

Reconsideration and withdrawal of the Section 103 rejection of claims 39 and 41 over Mennesson are requested. As noted above, the cited reference fails to teach or suggest, for example, the pressure equalization element according to the presently claimed invention. Accordingly, the additional recitations of the dependent claims would never have been obvious from the cited art. Withdrawal of the Section 103 rejection of claims 39 and 41 is requested.

Entry of the above amendments and allowance of the application are requested. The Examiner is urged to contact the undersigned in the event anything further is required.

Respectfully submitted,

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